

U.S. Department of Labor

Assistant Secretary for
Veterans Employment and Training
Washington, D.C. 20210



July 7, 1988

VETERANS' PROGRAM LETTER NO. 12-88

TO: ALL REGIONAL ADMINISTRATORS, DIRECTORS AND
ASSISTANT DIRECTORS FOR VETERANS' EMPLOYMENT AND
TRAINING SERVICE
ALL STATE EMPLOYMENT SECURITY AGENCY
ADMINISTRATORS (SESAs)
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND
TRAINING ADMINISTRATION (INFORMATION)

FROM: DONALD E. SHASTEEN

RECEIVED
VETS

JUL 15 1988

SUBJECT: Veterans' Status of Merchant Marines

KANSAS CITY, MO.

- I. **Purpose:** To apprise Veterans' Employment and Training Service (VETS) staff and State Employment Security Agencies (SESAs) of a policy decision regarding the eligibility of former Merchant Marines for priority for services under Chapters 41, 42, and 43 of Title 38, U.S. Code.
- II. **Background:** The G.I. Bill Improvement Act of 1977 (P.L. 95-202, codified at 38 U.S. Code 106 Note 1) required the Secretary of Defense to credit Merchant Marines with military active duty service based upon criteria established by the Secretary of Defense. The DOD implemented the Act and thereby established means for eligible former Merchant Marines to obtain a Certificate of Release or Discharge from Active Duty (DD Form 214) documenting that their service was considered "active duty". A former Merchant Marine who has received such a favorable decision is by law entitled to certain benefits administered by the Veterans Administration. According to the Department of Labor's Associate Solicitor for Employment and Training Legal Services, the law itself neither requires nor prohibits the extension of services under Chapters 41, 42 or 43 to former Merchant Marines.

The **Solicitor's** Office advised that it is within the purview of the Assistant Secretary of Veterans' Employment and Training to decide whether or not to extend to former Merchant Marines eligibility for services under Chapters 41, 42 and 43. We have considered that certain of those individuals are recognized as having served on "active duty" and that they have, or can obtain, the same documentation of their service as have veterans and are thus entitled to certain Veterans Administration benefits. As a result, it has been decided that VETS and its grantees should treat former Merchant Marines whose service has been credited by the DOD as "active duty" as "veterans" eligible for all the rights, services and priority provided other veterans in DOL-funded programs. In other words, former Merchant Marines who can provide evidence (e.g.; a **DD** Form 214) of their active duty and who thereby meet the definition of "veteran" as set forth in **DOL** regulations or program guidelines, shall be treated as veterans.

III. Action Required:

- A. Regional Administrators for Veterans' Employment and Training Service shall ensure that this policy is disseminated to all DOL entities involved in the provision of employment, training and reemployment services within their regions.
- B. Directors for Veterans' Employment and Training Service and their staffs shall ensure that **SESAs communicate** this policy officially throughout the State agencies, and that any actions necessary to ensure the identification of such individuals as "veterans" are taken.